

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Workers' Compensation Act is amended by
5 changing Sections 9, 14, 15a, 19, 19a, and 20 as follows:

6 (820 ILCS 305/9) (from Ch. 48, par. 138.9)

7 Sec. 9. Any employer or employee or beneficiary who shall
8 desire to have such compensation, or any unpaid part thereof,
9 paid in a lump sum, may petition the Commission, asking that
10 such compensation be so paid. If, upon proper notice to the
11 interested parties and a proper showing made before such
12 Commission or any member thereof, it appears to the best
13 interest of the parties that such compensation be so paid, the
14 Commission may order the commutation of the compensation to an
15 equivalent lump sum, which commutation shall be an amount which
16 will equal the total sum of the probable future payments
17 capitalized at their present value upon the basis of interest
18 calculated at the maximum rate of interest payable by member
19 banks of the Federal Reserve System on passbook savings
20 deposits as published in Regulation Q or its successor or, if
21 Regulation Q or its successor is repealed, then the rate in
22 effect on the date of repeal. Prior to approval of any pro se
23 Settlement Contract Lump Sum Petition, the Commission or an

1 Arbitrator thereof shall determine if the unrepresented
2 employee, if present, is able to read and communicate in
3 English. If not, it shall be the responsibility of the
4 Commission to provide a qualified, independent interpreter at
5 the time such Petition is heard, unless the employee has
6 provided his or her own interpreter.

7 In cases indicating complete disability no petition for a
8 commutation to a lump sum basis shall be entertained by the
9 Commission until after the expiration of 6 months from the date
10 of the injury.

11 Where necessary, upon proper application being made, a
12 guardian or administrator, as the case may be, may be appointed
13 for any person under disability who may be entitled to any such
14 compensation and an employer bound by the terms of this Act and
15 liable to pay such compensation, may petition for the
16 appointment of the public administrator, or guardian, where no
17 legal representative has been appointed or is acting for such
18 party or parties so under disability.

19 The payment of compensation in a lump sum to the employee
20 in his or her lifetime upon order of the Commission, shall
21 extinguish and bar all claims for compensation for death if the
22 compensation paid in a lump sum represents a compromise of a
23 dispute on any question other than the extent of disability.

24 Subject to the provisions herein above in this paragraph
25 contained, where no dispute exists as to the fact that the
26 accident arose out of and in the course of the employment and

1 where such accident results in death or in the amputation of
2 any member or in the enucleation of an eye, then and in such
3 case the arbitrator or Commission may, upon the petition of
4 either the employer or the employee, enter an award providing
5 for the payment of compensation for such death or injury in
6 accordance with the provisions of Section 7 or paragraph (e) of
7 Section 8 of this Act.

8 (Source: P.A. 83-1362.)

9 (820 ILCS 305/14) (from Ch. 48, par. 138.14)

10 Sec. 14. The Commission shall appoint a secretary, an
11 assistant secretary, and arbitrators and shall employ such
12 assistants and clerical help as may be necessary. Arbitrators
13 shall be appointed pursuant to this Section, notwithstanding
14 any provision of the Personnel Code.

15 Each arbitrator appointed after June 28, 2011 ~~after~~
16 ~~November 22, 1977~~ shall be required to demonstrate in writing
17 ~~and in accordance with the rules and regulations of the~~
18 ~~Illinois Department of Central Management Services~~ his or her
19 knowledge of and expertise in the law of and judicial processes
20 of the Workers' Compensation Act and the Occupational Diseases
21 Act.

22 A formal training program for newly-hired arbitrators
23 shall be implemented. The training program shall include the
24 following:

25 (a) substantive and procedural aspects of the

1 arbitrator position;

2 (b) current issues in workers' compensation law and
3 practice;

4 (c) medical lectures by specialists in areas such as
5 orthopedics, ophthalmology, psychiatry, rehabilitation
6 counseling;

7 (d) orientation to each operational unit of the
8 Illinois Workers' Compensation Commission;

9 (e) observation of experienced arbitrators conducting
10 hearings of cases, combined with the opportunity to discuss
11 evidence presented and rulings made;

12 (f) the use of hypothetical cases requiring the trainee
13 to issue judgments as a means to evaluating knowledge and
14 writing ability;

15 (g) writing skills;

16 (h) professional and ethical standards pursuant to
17 Section 1.1 of this Act;

18 (i) detection of workers' compensation fraud and
19 reporting obligations of Commission employees and
20 appointees;

21 (j) standards of evidence-based medical treatment and
22 best practices for measuring and improving quality and
23 health care outcomes in the workers' compensation system,
24 including but not limited to the use of the American
25 Medical Association's "Guides to the Evaluation of
26 Permanent Impairment" and the practice of utilization

1 review; and

2 (k) substantive and procedural aspects of coal
3 workers' pneumoconiosis (black lung) cases.

4 A formal and ongoing professional development program
5 including, but not limited to, the above-noted areas shall be
6 implemented to keep arbitrators informed of recent
7 developments and issues and to assist them in maintaining and
8 enhancing their professional competence. Each arbitrator shall
9 complete 20 hours of training in the above-noted areas during
10 every 2 years such arbitrator shall remain in office.

11 Each arbitrator shall devote full time to his or her duties
12 and shall serve when assigned as an acting Commissioner when a
13 Commissioner is unavailable in accordance with the provisions
14 of Section 13 of this Act. Any arbitrator who is an
15 attorney-at-law shall not engage in the practice of law, nor
16 shall any arbitrator hold any other office or position of
17 profit under the United States or this State or any municipal
18 corporation or political subdivision of this State.
19 Notwithstanding any other provision of this Act to the
20 contrary, an arbitrator who serves as an acting Commissioner in
21 accordance with the provisions of Section 13 of this Act shall
22 continue to serve in the capacity of Commissioner until a
23 decision is reached in every case heard by that arbitrator
24 while serving as an acting Commissioner.

25 Notwithstanding any other provision of this Section, the
26 term of all arbitrators serving on the effective date of this

1 amendatory Act of the 97th General Assembly, including any
2 arbitrators on administrative leave, shall terminate at the
3 close of business on July 1, 2011, but the incumbents shall
4 continue to exercise all of their duties until they are
5 reappointed or their successors are appointed.

6 On and after the effective date of this amendatory Act of
7 the 97th General Assembly, arbitrators shall be appointed to
8 3-year terms as follows:

9 (1) All appointments shall be made by the Governor with
10 the advice and consent of the Senate.

11 (2) For their initial appointments, 12 arbitrators
12 shall be appointed to terms expiring July 1, 2012; 12
13 arbitrators shall be appointed to terms expiring July 1,
14 2013; and all additional arbitrators shall be appointed to
15 terms expiring July 1, 2014. Thereafter, all arbitrators
16 shall be appointed to 3-year terms.

17 Upon the expiration of a term, the Chairman shall evaluate
18 the performance of the arbitrator and may recommend to the
19 Governor that he or she be reappointed to a second or
20 subsequent term by the Governor with the advice and consent of
21 the Senate.

22 Each arbitrator appointed on or after the effective date of
23 this amendatory Act of the 97th General Assembly and who has
24 not previously served as an arbitrator for the Commission shall
25 be required to be authorized to practice law in this State by
26 the Supreme Court, and to maintain this authorization

1 throughout his or her term of employment.

2 ~~The All arbitrators shall be subject to the provisions of~~
3 ~~the Personnel Code, and the performance of all arbitrators~~
4 shall be reviewed by the Chairman on an annual basis. ~~The~~
5 ~~changes made to this Section by this amendatory Act of the 97th~~
6 ~~General Assembly shall prevail over any conflict with the~~
7 ~~Personnel Code.~~ The Chairman shall allow input from the
8 Commissioners in all such reviews.

9 The Commission shall assign no fewer than 3 arbitrators to
10 each hearing site. The Commission shall establish a procedure
11 to ensure that the arbitrators assigned to each hearing site
12 are assigned cases on a random basis. No arbitrator shall hear
13 cases in any county, other than Cook County, for more than 2
14 years in each 3-year term.

15 The Secretary and each arbitrator shall receive a per annum
16 salary of \$4,000 less than the per annum salary of members of
17 The Illinois Workers' Compensation Commission as provided in
18 Section 13 of this Act, payable in equal monthly installments.

19 The members of the Commission, Arbitrators and other
20 employees whose duties require them to travel, shall have
21 reimbursed to them their actual traveling expenses and
22 disbursements made or incurred by them in the discharge of
23 their official duties while away from their place of residence
24 in the performance of their duties.

25 The Commission shall provide itself with a seal for the
26 authentication of its orders, awards and proceedings upon which

1 shall be inscribed the name of the Commission and the words
2 "Illinois--Seal".

3 The Secretary or Assistant Secretary, under the direction
4 of the Commission, shall have charge and custody of the seal of
5 the Commission and also have charge and custody of all records,
6 files, orders, proceedings, decisions, awards and other
7 documents on file with the Commission. He shall furnish
8 certified copies, under the seal of the Commission, of any such
9 records, files, orders, proceedings, decisions, awards and
10 other documents on file with the Commission as may be required.
11 Certified copies so furnished by the Secretary or Assistant
12 Secretary shall be received in evidence before the Commission
13 or any Arbitrator thereof, and in all courts, provided that the
14 original of such certified copy is otherwise competent and
15 admissible in evidence. The Secretary or Assistant Secretary
16 shall perform such other duties as may be prescribed from time
17 to time by the Commission.

18 (Source: P.A. 97-18, eff. 6-28-11; 97-719, eff. 6-29-12.)

19 (820 ILCS 305/15a) (from Ch. 48, par. 138.15a)

20 Sec. 15a. The ~~Beginning January 1, 1981,~~ the Commission
21 shall prepare and publish a handbook in readily understandable
22 language in question and answer form containing all information
23 as to the rights and obligations of employers and employees
24 under the provisions of this Act.

25 ~~Upon receipt of first report of injury, as provided for in~~

1 ~~subsection (b) of Section 6 of this Act, the Commission shall~~
2 ~~determine that a copy of the handbook has been forwarded to the~~
3 ~~injured employee or his beneficiary.~~

4 The handbook shall be made available free of charge to the
5 general public and be maintained on the Commission's Internet
6 website.

7 The Commission shall provide informational assistance to
8 employers and employees regarding their rights and obligations
9 under this Act and the process and procedure before the
10 Commission.

11 (Source: P.A. 86-998.)

12 (820 ILCS 305/19) (from Ch. 48, par. 138.19)

13 Sec. 19. Any disputed questions of law or fact shall be
14 determined as herein provided.

15 (a) It shall be the duty of the Commission upon
16 notification that the parties have failed to reach an
17 agreement, to designate an Arbitrator.

18 1. Whenever any claimant misconceives his remedy and
19 files an application for adjustment of claim under this Act
20 and it is subsequently discovered, at any time before final
21 disposition of such cause, that the claim for disability or
22 death which was the basis for such application should
23 properly have been made under the Workers' Occupational
24 Diseases Act, then the provisions of Section 19, paragraph
25 (a-1) of the Workers' Occupational Diseases Act having

1 reference to such application shall apply.

2 2. Whenever any claimant misconceives his remedy and
3 files an application for adjustment of claim under the
4 Workers' Occupational Diseases Act and it is subsequently
5 discovered, at any time before final disposition of such
6 cause that the claim for injury or death which was the
7 basis for such application should properly have been made
8 under this Act, then the application so filed under the
9 Workers' Occupational Diseases Act may be amended in form,
10 substance or both to assert claim for such disability or
11 death under this Act and it shall be deemed to have been so
12 filed as amended on the date of the original filing
13 thereof, and such compensation may be awarded as is
14 warranted by the whole evidence pursuant to this Act. When
15 such amendment is submitted, further or additional
16 evidence may be heard by the Arbitrator or Commission when
17 deemed necessary. Nothing in this Section contained shall
18 be construed to be or permit a waiver of any provisions of
19 this Act with reference to notice but notice if given shall
20 be deemed to be a notice under the provisions of this Act
21 if given within the time required herein.

22 (b) The Arbitrator shall make such inquiries and
23 investigations as he or they shall deem necessary and may
24 examine and inspect all books, papers, records, places, or
25 premises relating to the questions in dispute and hear such
26 proper evidence as the parties may submit.

1 The hearings before the Arbitrator shall be held in the
2 vicinity where the injury occurred after 10 days' notice of the
3 time and place of such hearing shall have been given to each of
4 the parties or their attorneys of record.

5 The Arbitrator may find that the disabling condition is
6 temporary and has not yet reached a permanent condition and may
7 order the payment of compensation up to the date of the
8 hearing, which award shall be reviewable and enforceable in the
9 same manner as other awards, and in no instance be a bar to a
10 further hearing and determination of a further amount of
11 temporary total compensation or of compensation for permanent
12 disability, but shall be conclusive as to all other questions
13 except the nature and extent of said disability.

14 The decision of the Arbitrator shall be filed with the
15 Commission which Commission shall immediately send to each
16 party or his attorney a copy of such decision, together with a
17 notification of the time when it was filed. As of the effective
18 date of this amendatory Act of the 94th General Assembly, all
19 decisions of the Arbitrator shall set forth in writing findings
20 of fact and conclusions of law, separately stated, if requested
21 by either party. Unless a petition for review is filed by
22 either party within 30 days after the receipt by such party of
23 the copy of the decision and notification of time when filed,
24 and unless such party petitioning for a review shall within 35
25 days after the receipt by him of the copy of the decision, file
26 with the Commission either an agreed statement of the facts

1 appearing upon the hearing before the Arbitrator, or if such
2 party shall so elect a correct transcript of evidence of the
3 proceedings at such hearings, then the decision shall become
4 the decision of the Commission and in the absence of fraud
5 shall be conclusive. The Petition for Review shall contain a
6 statement of the petitioning party's specific exceptions to the
7 decision of the arbitrator. The jurisdiction of the Commission
8 to review the decision of the arbitrator shall not be limited
9 to the exceptions stated in the Petition for Review. The
10 Commission, or any member thereof, may grant further time not
11 exceeding 30 days, in which to file such agreed statement or
12 transcript of evidence. Such agreed statement of facts or
13 correct transcript of evidence, as the case may be, shall be
14 authenticated by the signatures of the parties or their
15 attorneys, and in the event they do not agree as to the
16 correctness of the transcript of evidence it shall be
17 authenticated by the signature of the Arbitrator designated by
18 the Commission.

19 Whether the employee is working or not, if the employee is
20 not receiving or has not received medical, surgical, or
21 hospital services or other services or compensation as provided
22 in paragraph (a) of Section 8, or compensation as provided in
23 paragraph (b) of Section 8, the employee may at any time
24 petition for an expedited hearing by an Arbitrator on the issue
25 of whether or not he or she is entitled to receive payment of
26 the services or compensation. Provided the employer continues

1 to pay compensation pursuant to paragraph (b) of Section 8, the
2 employer may at any time petition for an expedited hearing on
3 the issue of whether or not the employee is entitled to receive
4 medical, surgical, or hospital services or other services or
5 compensation as provided in paragraph (a) of Section 8, or
6 compensation as provided in paragraph (b) of Section 8. When an
7 employer has petitioned for an expedited hearing, the employer
8 shall continue to pay compensation as provided in paragraph (b)
9 of Section 8 unless the arbitrator renders a decision that the
10 employee is not entitled to the benefits that are the subject
11 of the expedited hearing or unless the employee's treating
12 physician has released the employee to return to work at his or
13 her regular job with the employer or the employee actually
14 returns to work at any other job. If the arbitrator renders a
15 decision that the employee is not entitled to the benefits that
16 are the subject of the expedited hearing, a petition for review
17 filed by the employee shall receive the same priority as if the
18 employee had filed a petition for an expedited hearing by an
19 Arbitrator. Neither party shall be entitled to an expedited
20 hearing when the employee has returned to work and the sole
21 issue in dispute amounts to less than 12 weeks of unpaid
22 compensation pursuant to paragraph (b) of Section 8.

23 Expedited hearings shall have priority over all other
24 petitions and shall be heard by the Arbitrator and Commission
25 with all convenient speed. Any party requesting an expedited
26 hearing shall give notice of a request for an expedited hearing

1 under this paragraph. A copy of the Application for Adjustment
2 of Claim shall be attached to the notice. The Commission shall
3 adopt rules and procedures under which the final decision of
4 the Commission under this paragraph is filed not later than 180
5 days from the date that the Petition for Review is filed with
6 the Commission.

7 Where 2 or more insurance carriers, private self-insureds,
8 or a group workers' compensation pool under Article V 3/4 of
9 the Illinois Insurance Code dispute coverage for the same
10 injury, any such insurance carrier, private self-insured, or
11 group workers' compensation pool may request an expedited
12 hearing pursuant to this paragraph to determine the issue of
13 coverage, provided coverage is the only issue in dispute and
14 all other issues are stipulated and agreed to and further
15 provided that all compensation benefits including medical
16 benefits pursuant to Section 8(a) continue to be paid to or on
17 behalf of petitioner. Any insurance carrier, private
18 self-insured, or group workers' compensation pool that is
19 determined to be liable for coverage for the injury in issue
20 shall reimburse any insurance carrier, private self-insured,
21 or group workers' compensation pool that has paid benefits to
22 or on behalf of petitioner for the injury.

23 (b-1) If the employee is not receiving medical, surgical or
24 hospital services as provided in paragraph (a) of Section 8 or
25 compensation as provided in paragraph (b) of Section 8, the
26 employee, in accordance with Commission Rules, may file a

1 petition for an emergency hearing by an Arbitrator on the issue
2 of whether or not he is entitled to receive payment of such
3 compensation or services as provided therein. Such petition
4 shall have priority over all other petitions and shall be heard
5 by the Arbitrator and Commission with all convenient speed.

6 Such petition shall contain the following information and
7 shall be served on the employer at least 15 days before it is
8 filed:

9 (i) the date and approximate time of accident;

10 (ii) the approximate location of the accident;

11 (iii) a description of the accident;

12 (iv) the nature of the injury incurred by the employee;

13 (v) the identity of the person, if known, to whom the
14 accident was reported and the date on which it was
15 reported;

16 (vi) the name and title of the person, if known,
17 representing the employer with whom the employee conferred
18 in any effort to obtain compensation pursuant to paragraph
19 (b) of Section 8 of this Act or medical, surgical or
20 hospital services pursuant to paragraph (a) of Section 8 of
21 this Act and the date of such conference;

22 (vii) a statement that the employer has refused to pay
23 compensation pursuant to paragraph (b) of Section 8 of this
24 Act or for medical, surgical or hospital services pursuant
25 to paragraph (a) of Section 8 of this Act;

26 (viii) the name and address, if known, of each witness

1 to the accident and of each other person upon whom the
2 employee will rely to support his allegations;

3 (ix) the dates of treatment related to the accident by
4 medical practitioners, and the names and addresses of such
5 practitioners, including the dates of treatment related to
6 the accident at any hospitals and the names and addresses
7 of such hospitals, and a signed authorization permitting
8 the employer to examine all medical records of all
9 practitioners and hospitals named pursuant to this
10 paragraph;

11 (x) a copy of a signed report by a medical
12 practitioner, relating to the employee's current inability
13 to return to work because of the injuries incurred as a
14 result of the accident or such other documents or
15 affidavits which show that the employee is entitled to
16 receive compensation pursuant to paragraph (b) of Section 8
17 of this Act or medical, surgical or hospital services
18 pursuant to paragraph (a) of Section 8 of this Act. Such
19 reports, documents or affidavits shall state, if possible,
20 the history of the accident given by the employee, and
21 describe the injury and medical diagnosis, the medical
22 services for such injury which the employee has received
23 and is receiving, the physical activities which the
24 employee cannot currently perform as a result of any
25 impairment or disability due to such injury, and the
26 prognosis for recovery;

1 (xi) complete copies of any reports, records,
2 documents and affidavits in the possession of the employee
3 on which the employee will rely to support his allegations,
4 provided that the employer shall pay the reasonable cost of
5 reproduction thereof;

6 (xii) a list of any reports, records, documents and
7 affidavits which the employee has demanded by subpoena and
8 on which he intends to rely to support his allegations;

9 (xiii) a certification signed by the employee or his
10 representative that the employer has received the petition
11 with the required information 15 days before filing.

12 Fifteen days after receipt by the employer of the petition
13 with the required information the employee may file said
14 petition and required information and shall serve notice of the
15 filing upon the employer. The employer may file a motion
16 addressed to the sufficiency of the petition. If an objection
17 has been filed to the sufficiency of the petition, the
18 arbitrator shall rule on the objection within 2 working days.
19 If such an objection is filed, the time for filing the final
20 decision of the Commission as provided in this paragraph shall
21 be tolled until the arbitrator has determined that the petition
22 is sufficient.

23 The employer shall, within 15 days after receipt of the
24 notice that such petition is filed, file with the Commission
25 and serve on the employee or his representative a written
26 response to each claim set forth in the petition, including the

1 legal and factual basis for each disputed allegation and the
2 following information: (i) complete copies of any reports,
3 records, documents and affidavits in the possession of the
4 employer on which the employer intends to rely in support of
5 his response, (ii) a list of any reports, records, documents
6 and affidavits which the employer has demanded by subpoena and
7 on which the employer intends to rely in support of his
8 response, (iii) the name and address of each witness on whom
9 the employer will rely to support his response, and (iv) the
10 names and addresses of any medical practitioners selected by
11 the employer pursuant to Section 12 of this Act and the time
12 and place of any examination scheduled to be made pursuant to
13 such Section.

14 Any employer who does not timely file and serve a written
15 response without good cause may not introduce any evidence to
16 dispute any claim of the employee but may cross examine the
17 employee or any witness brought by the employee and otherwise
18 be heard.

19 No document or other evidence not previously identified by
20 either party with the petition or written response, or by any
21 other means before the hearing, may be introduced into evidence
22 without good cause. If, at the hearing, material information is
23 discovered which was not previously disclosed, the Arbitrator
24 may extend the time for closing proof on the motion of a party
25 for a reasonable period of time which may be more than 30 days.
26 No evidence may be introduced pursuant to this paragraph as to

1 permanent disability. No award may be entered for permanent
2 disability pursuant to this paragraph. Either party may
3 introduce into evidence the testimony taken by deposition of
4 any medical practitioner.

5 The Commission shall adopt rules, regulations and
6 procedures whereby the final decision of the Commission is
7 filed not later than 90 days from the date the petition for
8 review is filed but in no event later than 180 days from the
9 date the petition for an emergency hearing is filed with the
10 Illinois Workers' Compensation Commission.

11 All service required pursuant to this paragraph (b-1) must
12 be by personal service or by certified mail and with evidence
13 of receipt. In addition for the purposes of this paragraph, all
14 service on the employer must be at the premises where the
15 accident occurred if the premises are owned or operated by the
16 employer. Otherwise service must be at the employee's principal
17 place of employment by the employer. If service on the employer
18 is not possible at either of the above, then service shall be
19 at the employer's principal place of business. After initial
20 service in each case, service shall be made on the employer's
21 attorney or designated representative.

22 (c) (1) At a reasonable time in advance of and in
23 connection with the hearing under Section 19(e) or 19(h), the
24 Commission may on its own motion order an impartial physical or
25 mental examination of a petitioner whose mental or physical
26 condition is in issue, when in the Commission's discretion it

1 appears that such an examination will materially aid in the
2 just determination of the case. The examination shall be made
3 by a member or members of a panel of physicians chosen for
4 their special qualifications by the Illinois State Medical
5 Society. The Commission shall establish procedures by which a
6 physician shall be selected from such list.

7 (2) Should the Commission at any time during the hearing
8 find that compelling considerations make it advisable to have
9 an examination and report at that time, the commission may in
10 its discretion so order.

11 (3) A copy of the report of examination shall be given to
12 the Commission and to the attorneys for the parties.

13 (4) Either party or the Commission may call the examining
14 physician or physicians to testify. Any physician so called
15 shall be subject to cross-examination.

16 (5) The examination shall be made, and the physician or
17 physicians, if called, shall testify, without cost to the
18 parties. The Commission shall determine the compensation and
19 the pay of the physician or physicians. The compensation for
20 this service shall not exceed the usual and customary amount
21 for such service.

22 (6) The fees and payment thereof of all attorneys and
23 physicians for services authorized by the Commission under this
24 Act shall, upon request of either the employer or the employee
25 or the beneficiary affected, be subject to the review and
26 decision of the Commission.

1 (d) If any employee shall persist in insanitary or
2 injurious practices which tend to either imperil or retard his
3 recovery or shall refuse to submit to such medical, surgical,
4 or hospital treatment as is reasonably essential to promote his
5 recovery, the Commission may, in its discretion, reduce or
6 suspend the compensation of any such injured employee. However,
7 when an employer and employee so agree in writing, the
8 foregoing provision shall not be construed to authorize the
9 reduction or suspension of compensation of an employee who is
10 relying in good faith, on treatment by prayer or spiritual
11 means alone, in accordance with the tenets and practice of a
12 recognized church or religious denomination, by a duly
13 accredited practitioner thereof.

14 (e) This paragraph shall apply to all hearings before the
15 Commission. Such hearings may be held in its office or
16 elsewhere as the Commission may deem advisable. The taking of
17 testimony on such hearings may be had before any member of the
18 Commission. If a petition for review and agreed statement of
19 facts or transcript of evidence is filed, as provided herein,
20 the Commission shall promptly review the decision of the
21 Arbitrator and all questions of law or fact which appear from
22 the statement of facts or transcript of evidence.

23 In all cases in which the hearing before the arbitrator is
24 held after December 18, 1989, no additional evidence shall be
25 introduced by the parties before the Commission on review of
26 the decision of the Arbitrator. In reviewing decisions of an

1 arbitrator the Commission shall award such temporary
2 compensation, permanent compensation and other payments as are
3 due under this Act. The Commission shall file in its office its
4 decision thereon, and shall immediately send to each party or
5 his attorney a copy of such decision and a notification of the
6 time when it was filed. Decisions shall be filed within 60 days
7 after the Statement of Exceptions and Supporting Brief and
8 Response thereto are required to be filed or oral argument
9 whichever is later.

10 In the event either party requests oral argument, such
11 argument shall be had before a panel of 3 members of the
12 Commission (or before all available members pursuant to the
13 determination of 7 members of the Commission that such argument
14 be held before all available members of the Commission)
15 pursuant to the rules and regulations of the Commission. A
16 panel of 3 members, which shall be comprised of not more than
17 one representative citizen of the employing class and not more
18 than one representative citizen of the employee class, shall
19 hear the argument; provided that if all the issues in dispute
20 are solely the nature and extent of the permanent partial
21 disability, if any, a majority of the panel may deny the
22 request for such argument and such argument shall not be held;
23 and provided further that 7 members of the Commission may
24 determine that the argument be held before all available
25 members of the Commission. A decision of the Commission shall
26 be approved by a majority of Commissioners present at such

1 hearing if any; provided, if no such hearing is held, a
2 decision of the Commission shall be approved by a majority of a
3 panel of 3 members of the Commission as described in this
4 Section. The Commission shall give 10 days' notice to the
5 parties or their attorneys of the time and place of such taking
6 of testimony and of such argument.

7 In any case the Commission in its decision may find
8 specially upon any question or questions of law or fact which
9 shall be submitted in writing by either party whether ultimate
10 or otherwise; provided that on issues other than nature and
11 extent of the disability, if any, the Commission in its
12 decision shall find specially upon any question or questions of
13 law or fact, whether ultimate or otherwise, which are submitted
14 in writing by either party; provided further that not more than
15 5 such questions may be submitted by either party. Any party
16 may, within 20 days after receipt of notice of the Commission's
17 decision, or within such further time, not exceeding 30 days,
18 as the Commission may grant, file with the Commission either an
19 agreed statement of the facts appearing upon the hearing, or,
20 if such party shall so elect, a correct transcript of evidence
21 of the additional proceedings presented before the Commission,
22 in which report the party may embody a correct statement of
23 such other proceedings in the case as such party may desire to
24 have reviewed, such statement of facts or transcript of
25 evidence to be authenticated by the signature of the parties or
26 their attorneys, and in the event that they do not agree, then

1 the authentication of such transcript of evidence shall be by
2 the signature of any member of the Commission.

3 If a reporter does not for any reason furnish a transcript
4 of the proceedings before the Arbitrator in any case for use on
5 a hearing for review before the Commission, within the
6 limitations of time as fixed in this Section, the Commission
7 may, in its discretion, order a trial de novo before the
8 Commission in such case upon application of either party. The
9 applications for adjustment of claim and other documents in the
10 nature of pleadings filed by either party, together with the
11 decisions of the Arbitrator and of the Commission and the
12 statement of facts or transcript of evidence hereinbefore
13 provided for in paragraphs (b) and (c) shall be the record of
14 the proceedings of the Commission, and shall be subject to
15 review as hereinafter provided.

16 At the request of either party or on its own motion, the
17 Commission shall set forth in writing the reasons for the
18 decision, including findings of fact and conclusions of law
19 separately stated. The Commission shall by rule adopt a format
20 for written decisions for the Commission and arbitrators. The
21 written decisions shall be concise and shall succinctly state
22 the facts and reasons for the decision. The Commission may
23 adopt in whole or in part, the decision of the arbitrator as
24 the decision of the Commission. When the Commission does so
25 adopt the decision of the arbitrator, it shall do so by order.
26 Whenever the Commission adopts part of the arbitrator's

1 decision, but not all, it shall include in the order the
2 reasons for not adopting all of the arbitrator's decision. When
3 a majority of a panel, after deliberation, has arrived at its
4 decision, the decision shall be filed as provided in this
5 Section without unnecessary delay, and without regard to the
6 fact that a member of the panel has expressed an intention to
7 dissent. Any member of the panel may file a dissent. Any
8 dissent shall be filed no later than 10 days after the decision
9 of the majority has been filed.

10 Decisions rendered by the Commission and dissents, if any,
11 shall be published together by the Commission. The conclusions
12 of law set out in such decisions shall be regarded as
13 precedents by arbitrators for the purpose of achieving a more
14 uniform administration of this Act.

15 (f) The decision of the Commission acting within its
16 powers, according to the provisions of paragraph (e) of this
17 Section shall, in the absence of fraud, be conclusive unless
18 reviewed as in this paragraph hereinafter provided. However,
19 the Arbitrator or the Commission may on his or its own motion,
20 or on the motion of either party, correct any clerical error or
21 errors in computation within 15 days after the date of receipt
22 of any award by such Arbitrator or any decision on review of
23 the Commission and shall have the power to recall the original
24 award on arbitration or decision on review, and issue in lieu
25 thereof such corrected award or decision. Where such correction
26 is made the time for review herein specified shall begin to run

1 from the date of the receipt of the corrected award or
2 decision.

3 (1) Except in cases of claims against the State of
4 Illinois other than those claims under Section 18.1, in
5 which case the decision of the Commission shall not be
6 subject to judicial review, the Circuit Court of the county
7 where any of the parties defendant may be found, or if none
8 of the parties defendant can be found in this State then
9 the Circuit Court of the county where the accident
10 occurred, shall by summons to the Commission have power to
11 review all questions of law and fact presented by such
12 record.

13 A proceeding for review shall be commenced within 20
14 days of the receipt of notice of the decision of the
15 Commission. The summons shall be issued by the clerk of
16 such court upon written request returnable on a designated
17 return day, not less than 10 or more than 60 days from the
18 date of issuance thereof, and the written request shall
19 contain the last known address of other parties in interest
20 and their attorneys of record who are to be served by
21 summons. Service upon any member of the Commission or the
22 Secretary or the Assistant Secretary thereof shall be
23 service upon the Commission, and service upon other parties
24 in interest and their attorneys of record shall be by
25 summons, and such service shall be made upon the Commission
26 and other parties in interest by mailing notices of the

1 commencement of the proceedings and the return day of the
2 summons to the office of the Commission and to the last
3 known place of residence of other parties in interest or
4 their attorney or attorneys of record. The clerk of the
5 court issuing the summons shall on the day of issue mail
6 notice of the commencement of the proceedings which shall
7 be done by mailing a copy of the summons to the office of
8 the Commission, and a copy of the summons to the other
9 parties in interest or their attorney or attorneys of
10 record and the clerk of the court shall make certificate
11 that he has so sent said notices in pursuance of this
12 Section, which shall be evidence of service on the
13 Commission and other parties in interest.

14 The Commission shall not be required to certify the
15 record of their proceedings to the Circuit Court, unless
16 the party commencing the proceedings for review in the
17 Circuit Court as above provided, shall file with ~~pay to~~ the
18 Commission notice of intent to file for review in Circuit
19 Court. ~~the sum of 80¢ per page of testimony taken before~~
20 ~~the Commission, and 35¢ per page of all other matters~~
21 ~~contained in such record, except as otherwise provided by~~
22 ~~Section 20 of this Act. Payment for photostatic copies of~~
23 ~~exhibit shall be extra.~~ It shall be the duty of the
24 Commission upon such filing of notice of intent to file for
25 review in the Circuit Court ~~payment, or failure to pay as~~
26 ~~permitted under Section 20 of this Act,~~ to prepare a true

1 and correct ~~typewritten~~ copy of such testimony and a true
2 and correct copy of all other matters contained in such
3 record and certified to by the Secretary or Assistant
4 Secretary thereof. The changes made to this subdivision
5 (f) (1) by this amendatory Act of the 98th General Assembly
6 apply to any Commission decision entered after the
7 effective date of this amendatory Act of the 98th General
8 Assembly.

9 ~~No~~ In its decision on review the Commission shall
10 ~~determine in each particular case the amount of the~~
11 ~~probable cost of the record to be filed as a part of the~~
12 ~~summons in that case and no~~ request for a summons may be
13 filed and no summons shall issue unless the party seeking
14 to review the decision of the Commission shall exhibit to
15 the clerk of the Circuit Court proof of ~~payment by~~ filing
16 with the Commission of the notice of the intent to file for
17 review in the Circuit Court ~~a receipt showing payment~~ or an
18 affidavit of the attorney setting forth that notice of
19 intent to file for review in the Circuit Court ~~payment~~ has
20 been given in writing ~~made of the sums so determined~~ to the
21 Secretary or Assistant Secretary of the Commission, ~~except~~
22 ~~as otherwise provided by Section 20 of this Act.~~

23 (2) No such summons shall issue unless the one against
24 whom the Commission shall have rendered an award for the
25 payment of money shall upon the filing of his written
26 request for such summons file with the clerk of the court a

1 bond conditioned that if he shall not successfully
2 prosecute the review, he will pay the award and the costs
3 of the proceedings in the courts. The amount of the bond
4 shall be fixed by any member of the Commission and the
5 surety or sureties of the bond shall be approved by the
6 clerk of the court. The acceptance of the bond by the clerk
7 of the court shall constitute evidence of his approval of
8 the bond.

9 Every county, city, town, township, incorporated
10 village, school district, body politic or municipal
11 corporation against whom the Commission shall have
12 rendered an award for the payment of money shall not be
13 required to file a bond to secure the payment of the award
14 and the costs of the proceedings in the court to authorize
15 the court to issue such summons.

16 The court may confirm or set aside the decision of the
17 Commission. If the decision is set aside and the facts
18 found in the proceedings before the Commission are
19 sufficient, the court may enter such decision as is
20 justified by law, or may remand the cause to the Commission
21 for further proceedings and may state the questions
22 requiring further hearing, and give such other
23 instructions as may be proper. Appeals shall be taken to
24 the Appellate Court in accordance with Supreme Court Rules
25 22(g) and 303. Appeals shall be taken from the Appellate
26 Court to the Supreme Court in accordance with Supreme Court

1 Rule 315.

2 It shall be the duty of the clerk of any court
3 rendering a decision affecting or affirming an award of the
4 Commission to promptly furnish the Commission with a copy
5 of such decision, without charge.

6 The decision of a majority of the members of the panel
7 of the Commission, shall be considered the decision of the
8 Commission.

9 (g) Except in the case of a claim against the State of
10 Illinois, either party may present a certified copy of the
11 award of the Arbitrator, or a certified copy of the decision of
12 the Commission when the same has become final, when no
13 proceedings for review are pending, providing for the payment
14 of compensation according to this Act, to the Circuit Court of
15 the county in which such accident occurred or either of the
16 parties are residents, whereupon the court shall enter a
17 judgment in accordance therewith. In a case where the employer
18 refuses to pay compensation according to such final award or
19 such final decision upon which such judgment is entered the
20 court shall in entering judgment thereon, tax as costs against
21 him the reasonable costs and attorney fees in the arbitration
22 proceedings and in the court entering the judgment for the
23 person in whose favor the judgment is entered, which judgment
24 and costs taxed as therein provided shall, until and unless set
25 aside, have the same effect as though duly entered in an action
26 duly tried and determined by the court, and shall with like

1 effect, be entered and docketed. The Circuit Court shall have
2 power at any time upon application to make any such judgment
3 conform to any modification required by any subsequent decision
4 of the Supreme Court upon appeal, or as the result of any
5 subsequent proceedings for review, as provided in this Act.

6 Judgment shall not be entered until 15 days' notice of the
7 time and place of the application for the entry of judgment
8 shall be served upon the employer by filing such notice with
9 the Commission, which Commission shall, in case it has on file
10 the address of the employer or the name and address of its
11 agent upon whom notices may be served, immediately send a copy
12 of the notice to the employer or such designated agent.

13 (h) An agreement or award under this Act providing for
14 compensation in installments, may at any time within 18 months
15 after such agreement or award be reviewed by the Commission at
16 the request of either the employer or the employee, on the
17 ground that the disability of the employee has subsequently
18 recurred, increased, diminished or ended.

19 However, as to accidents occurring subsequent to July 1,
20 1955, which are covered by any agreement or award under this
21 Act providing for compensation in installments made as a result
22 of such accident, such agreement or award may at any time
23 within 30 months, or 60 months in the case of an award under
24 Section 8(d)1, after such agreement or award be reviewed by the
25 Commission at the request of either the employer or the
26 employee on the ground that the disability of the employee has

1 subsequently recurred, increased, diminished or ended.

2 On such review, compensation payments may be
3 re-established, increased, diminished or ended. The Commission
4 shall give 15 days' notice to the parties of the hearing for
5 review. Any employee, upon any petition for such review being
6 filed by the employer, shall be entitled to one day's notice
7 for each 100 miles necessary to be traveled by him in attending
8 the hearing of the Commission upon the petition, and 3 days in
9 addition thereto. Such employee shall, at the discretion of the
10 Commission, also be entitled to 5 cents per mile necessarily
11 traveled by him within the State of Illinois in attending such
12 hearing, not to exceed a distance of 300 miles, to be taxed by
13 the Commission as costs and deposited with the petition of the
14 employer.

15 When compensation which is payable in accordance with an
16 award or settlement contract approved by the Commission, is
17 ordered paid in a lump sum by the Commission, no review shall
18 be had as in this paragraph mentioned.

19 (i) Each party, upon taking any proceedings or steps
20 whatsoever before any Arbitrator, Commission or court, shall
21 file with the Commission his address, or the name and address
22 of any agent upon whom all notices to be given to such party
23 shall be served, either personally or by registered mail,
24 addressed to such party or agent at the last address so filed
25 with the Commission. In the event such party has not filed his
26 address, or the name and address of an agent as above provided,

1 service of any notice may be had by filing such notice with the
2 Commission.

3 (j) Whenever in any proceeding testimony has been taken or
4 a final decision has been rendered and after the taking of such
5 testimony or after such decision has become final, the injured
6 employee dies, then in any subsequent proceedings brought by
7 the personal representative or beneficiaries of the deceased
8 employee, such testimony in the former proceeding may be
9 introduced with the same force and effect as though the witness
10 having so testified were present in person in such subsequent
11 proceedings and such final decision, if any, shall be taken as
12 final adjudication of any of the issues which are the same in
13 both proceedings.

14 (k) In case where there has been any unreasonable or
15 vexatious delay of payment or intentional underpayment of
16 compensation, or proceedings have been instituted or carried on
17 by the one liable to pay the compensation, which do not present
18 a real controversy, but are merely frivolous or for delay, then
19 the Commission may award compensation additional to that
20 otherwise payable under this Act equal to 50% of the amount
21 payable at the time of such award. Failure to pay compensation
22 in accordance with the provisions of Section 8, paragraph (b)
23 of this Act, shall be considered unreasonable delay.

24 When determining whether this subsection (k) shall apply,
25 the Commission shall consider whether an Arbitrator has
26 determined that the claim is not compensable or whether the

1 employer has made payments under Section 8(j).

2 (l) If the employee has made written demand for payment of
3 benefits under Section 8(a) or Section 8(b), the employer shall
4 have 14 days after receipt of the demand to set forth in
5 writing the reason for the delay. In the case of demand for
6 payment of medical benefits under Section 8(a), the time for
7 the employer to respond shall not commence until the expiration
8 of the allotted 30 days specified under Section 8.2(d). In case
9 the employer or his or her insurance carrier shall without good
10 and just cause fail, neglect, refuse, or unreasonably delay the
11 payment of benefits under Section 8(a) or Section 8(b), the
12 Arbitrator or the Commission shall allow to the employee
13 additional compensation in the sum of \$30 per day for each day
14 that the benefits under Section 8(a) or Section 8(b) have been
15 so withheld or refused, not to exceed \$10,000. A delay in
16 payment of 14 days or more shall create a rebuttable
17 presumption of unreasonable delay.

18 (m) If the commission finds that an accidental injury was
19 directly and proximately caused by the employer's wilful
20 violation of a health and safety standard under the Health and
21 Safety Act in force at the time of the accident, the arbitrator
22 or the Commission shall allow to the injured employee or his
23 dependents, as the case may be, additional compensation equal
24 to 25% of the amount which otherwise would be payable under the
25 provisions of this Act exclusive of this paragraph. The
26 additional compensation herein provided shall be allowed by an

1 appropriate increase in the applicable weekly compensation
2 rate.

3 (n) After June 30, 1984, decisions of the Illinois Workers'
4 Compensation Commission reviewing an award of an arbitrator of
5 the Commission shall draw interest at a rate equal to the yield
6 on indebtedness issued by the United States Government with a
7 26-week maturity next previously auctioned on the day on which
8 the decision is filed. Said rate of interest shall be set forth
9 in the Arbitrator's Decision. Interest shall be drawn from the
10 date of the arbitrator's award on all accrued compensation due
11 the employee through the day prior to the date of payments.
12 However, when an employee appeals an award of an Arbitrator or
13 the Commission, and the appeal results in no change or a
14 decrease in the award, interest shall not further accrue from
15 the date of such appeal.

16 The employer or his insurance carrier may tender the
17 payments due under the award to stop the further accrual of
18 interest on such award notwithstanding the prosecution by
19 either party of review, certiorari, appeal to the Supreme Court
20 or other steps to reverse, vacate or modify the award.

21 (o) By the 15th day of each month each insurer providing
22 coverage for losses under this Act shall notify each insured
23 employer of any compensable claim incurred during the preceding
24 month and the amounts paid or reserved on the claim including a
25 summary of the claim and a brief statement of the reasons for
26 compensability. A cumulative report of all claims incurred

1 during a calendar year or continued from the previous year
2 shall be furnished to the insured employer by the insurer
3 within 30 days after the end of that calendar year.

4 The insured employer may challenge, in proceeding before
5 the Commission, payments made by the insurer without
6 arbitration and payments made after a case is determined to be
7 noncompensable. If the Commission finds that the case was not
8 compensable, the insurer shall purge its records as to that
9 employer of any loss or expense associated with the claim,
10 reimburse the employer for attorneys' fees arising from the
11 challenge and for any payment required of the employer to the
12 Rate Adjustment Fund or the Second Injury Fund, and may not
13 reflect the loss or expense for rate making purposes. The
14 employee shall not be required to refund the challenged
15 payment. The decision of the Commission may be reviewed in the
16 same manner as in arbitrated cases. No challenge may be
17 initiated under this paragraph more than 3 years after the
18 payment is made. An employer may waive the right of challenge
19 under this paragraph on a case by case basis.

20 (p) After filing an application for adjustment of claim but
21 prior to the hearing on arbitration the parties may voluntarily
22 agree to submit such application for adjustment of claim for
23 decision by an arbitrator under this subsection (p) where such
24 application for adjustment of claim raises only a dispute over
25 temporary total disability, permanent partial disability or
26 medical expenses. Such agreement shall be in writing in such

1 form as provided by the Commission. Applications for adjustment
2 of claim submitted for decision by an arbitrator under this
3 subsection (p) shall proceed according to rule as established
4 by the Commission. The Commission shall promulgate rules
5 including, but not limited to, rules to ensure that the parties
6 are adequately informed of their rights under this subsection
7 (p) and of the voluntary nature of proceedings under this
8 subsection (p). The findings of fact made by an arbitrator
9 acting within his or her powers under this subsection (p) in
10 the absence of fraud shall be conclusive. However, the
11 arbitrator may on his own motion, or the motion of either
12 party, correct any clerical errors or errors in computation
13 within 15 days after the date of receipt of such award of the
14 arbitrator and shall have the power to recall the original
15 award on arbitration, and issue in lieu thereof such corrected
16 award. The decision of the arbitrator under this subsection (p)
17 shall be considered the decision of the Commission and
18 proceedings for review of questions of law arising from the
19 decision may be commenced by either party pursuant to
20 subsection (f) of Section 19. The Advisory Board established
21 under Section 13.1 shall compile a list of certified Commission
22 arbitrators, each of whom shall be approved by at least 7
23 members of the Advisory Board. The chairman shall select 5
24 persons from such list to serve as arbitrators under this
25 subsection (p). By agreement, the parties shall select one
26 arbitrator from among the 5 persons selected by the chairman

1 except that if the parties do not agree on an arbitrator from
2 among the 5 persons, the parties may, by agreement, select an
3 arbitrator of the American Arbitration Association, whose fee
4 shall be paid by the State in accordance with rules promulgated
5 by the Commission. Arbitration under this subsection (p) shall
6 be voluntary.

7 (Source: P.A. 97-18, eff. 6-28-11.)

8 (820 ILCS 305/19a) (from Ch. 48, par. 138.19b)

9 Sec. 19a. Money received by the Commission pursuant to
10 subsection (f) of Section 19 of this Act shall be paid into a
11 trust fund outside the State Treasury and shall be held in such
12 fund until completion of the record for which the payment was
13 made. The Secretary of the Commission shall be ex-officio
14 custodian of such trust fund which shall be used only for the
15 purpose specified in this section. Upon completion of the
16 record the Secretary shall pay the amount so held to the person
17 entitled thereto for preparation of the record. Within 60 days
18 after the effective date of this amendatory Act of the 98th
19 General Assembly, the Secretary of the Commission shall
20 transfer all remaining funds to the Injured Workers' Benefit
21 Fund for the purpose of paying claims from injured employees
22 who have received a final award for benefits from the
23 Commission against the employer in Fiscal Year 2013.

24 (Source: Laws 1967, p. 324.)

1 (820 ILCS 305/20) (from Ch. 48, par. 138.20)

2 Sec. 20. If the Commission shall, before or after any
3 hearing, proceeding, or review to any court, be satisfied that
4 the employee is a poor person, and unable to pay the costs and
5 expenses provided for by this Act, the Commission shall permit
6 such poor person to have all the rights and remedies provided
7 by this Act, including the issuance and service of subpoenas; a
8 transcript of testimony and the record of proceedings,
9 including photostatic copies of exhibits, at hearings before an
10 Arbitrator or the Commission; ~~the right to have the record of~~
11 ~~proceedings certified to the circuit court;~~ the right to the
12 filing of a written request for summons; and the right to the
13 issuance of summons, without the filing of a bond for costs and
14 without the payment of any of the costs provided for by this
15 Act. If an award is granted to such employee, or settlement is
16 made, the costs and expenses chargeable to the employee as
17 provided for by this Act shall be paid by the employer out of
18 the award herein granted, or settlement, before any of the
19 balance of the award or settlement is paid to the employee.

20 (Source: P.A. 86-998.)

21 Section 10. The Workers' Occupational Diseases Act is
22 amended by changing Sections 19, 19a, and 19.5 as follows:

23 (820 ILCS 310/19) (from Ch. 48, par. 172.54)

24 Sec. 19. Any disputed questions of law or fact shall be

1 determined as herein provided.

2 (a) It shall be the duty of the Commission upon
3 notification that the parties have failed to reach an agreement
4 to designate an Arbitrator.

5 (1) The application for adjustment of claim filed with
6 the Commission shall state:

7 A. The approximate date of the last day of the last
8 exposure and the approximate date of the disablement.

9 B. The general nature and character of the illness
10 or disease claimed.

11 C. The name and address of the employer by whom
12 employed on the last day of the last exposure and if
13 employed by any other employer after such last exposure
14 and before disablement the name and address of such
15 other employer or employers.

16 D. In case of death, the date and place of death.

17 (2) Amendments to applications for adjustment of claim
18 which relate to the same disablement or disablement
19 resulting in death originally claimed upon may be allowed
20 by the Commissioner or an Arbitrator thereof, in their
21 discretion, and in the exercise of such discretion, they
22 may in proper cases order a trial de novo; such amendment
23 shall relate back to the date of the filing of the original
24 application so amended.

25 (3) Whenever any claimant misconceives his remedy and
26 files an application for adjustment of claim under this Act

1 and it is subsequently discovered, at any time before final
2 disposition of such cause, that the claim for disability or
3 death which was the basis for such application should
4 properly have been made under the Workers' Compensation
5 Act, then the provisions of Section 19 paragraph (a-1) of
6 the Workers' Compensation Act having reference to such
7 application shall apply.

8 Whenever any claimant misconceives his remedy and
9 files an application for adjustment of claim under the
10 Workers' Compensation Act and it is subsequently
11 discovered, at any time before final disposition of such
12 cause that the claim for injury or death which was the
13 basis for such application should properly have been made
14 under this Act, then the application so filed under the
15 Workers' Compensation Act may be amended in form, substance
16 or both to assert claim for such disability or death under
17 this Act and it shall be deemed to have been so filed as
18 amended on the date of the original filing thereof, and
19 such compensation may be awarded as is warranted by the
20 whole evidence pursuant to the provisions of this Act. When
21 such amendment is submitted, further or additional
22 evidence may be heard by the Arbitrator or Commission when
23 deemed necessary; provided, that nothing in this Section
24 contained shall be construed to be or permit a waiver of
25 any provisions of this Act with reference to notice, but
26 notice if given shall be deemed to be a notice under the

1 provisions of this Act if given within the time required
2 herein.

3 (b) The Arbitrator shall make such inquiries and
4 investigations as he shall deem necessary and may examine and
5 inspect all books, papers, records, places, or premises
6 relating to the questions in dispute and hear such proper
7 evidence as the parties may submit.

8 The hearings before the Arbitrator shall be held in the
9 vicinity where the last exposure occurred, after 10 days'
10 notice of the time and place of such hearing shall have been
11 given to each of the parties or their attorneys of record.

12 The Arbitrator may find that the disabling condition is
13 temporary and has not yet reached a permanent condition and may
14 order the payment of compensation up to the date of the
15 hearing, which award shall be reviewable and enforceable in the
16 same manner as other awards, and in no instance be a bar to a
17 further hearing and determination of a further amount of
18 temporary total compensation or of compensation for permanent
19 disability, but shall be conclusive as to all other questions
20 except the nature and extent of such disability.

21 The decision of the Arbitrator shall be filed with the
22 Commission which Commission shall immediately send to each
23 party or his attorney a copy of such decision, together with a
24 notification of the time when it was filed. As of the effective
25 date of this amendatory Act of the 94th General Assembly, all
26 decisions of the Arbitrator shall set forth in writing findings

1 of fact and conclusions of law, separately stated, if requested
2 by either party. Unless a petition for review is filed by
3 either party within 30 days after the receipt by such party of
4 the copy of the decision and notification of time when filed,
5 and unless such party petitioning for a review shall within 35
6 days after the receipt by him of the copy of the decision, file
7 with the Commission either an agreed statement of the facts
8 appearing upon the hearing before the Arbitrator, or if such
9 party shall so elect a correct transcript of evidence of the
10 proceedings at such hearings, then the decision shall become
11 the decision of the Commission and in the absence of fraud
12 shall be conclusive. The Petition for Review shall contain a
13 statement of the petitioning party's specific exceptions to the
14 decision of the arbitrator. The jurisdiction of the Commission
15 to review the decision of the arbitrator shall not be limited
16 to the exceptions stated in the Petition for Review. The
17 Commission, or any member thereof, may grant further time not
18 exceeding 30 days, in which to file such agreed statement or
19 transcript of evidence. Such agreed statement of facts or
20 correct transcript of evidence, as the case may be, shall be
21 authenticated by the signatures of the parties or their
22 attorneys, and in the event they do not agree as to the
23 correctness of the transcript of evidence it shall be
24 authenticated by the signature of the Arbitrator designated by
25 the Commission.

26 Whether the employee is working or not, if the employee is

1 not receiving or has not received medical, surgical, or
2 hospital services or other services or compensation as provided
3 in paragraph (a) of Section 8 of the Workers' Compensation Act,
4 or compensation as provided in paragraph (b) of Section 8 of
5 the Workers' Compensation Act, the employee may at any time
6 petition for an expedited hearing by an Arbitrator on the issue
7 of whether or not he or she is entitled to receive payment of
8 the services or compensation. Provided the employer continues
9 to pay compensation pursuant to paragraph (b) of Section 8 of
10 the Workers' Compensation Act, the employer may at any time
11 petition for an expedited hearing on the issue of whether or
12 not the employee is entitled to receive medical, surgical, or
13 hospital services or other services or compensation as provided
14 in paragraph (a) of Section 8 of the Workers' Compensation Act,
15 or compensation as provided in paragraph (b) of Section 8 of
16 the Workers' Compensation Act. When an employer has petitioned
17 for an expedited hearing, the employer shall continue to pay
18 compensation as provided in paragraph (b) of Section 8 of the
19 Workers' Compensation Act unless the arbitrator renders a
20 decision that the employee is not entitled to the benefits that
21 are the subject of the expedited hearing or unless the
22 employee's treating physician has released the employee to
23 return to work at his or her regular job with the employer or
24 the employee actually returns to work at any other job. If the
25 arbitrator renders a decision that the employee is not entitled
26 to the benefits that are the subject of the expedited hearing,

1 a petition for review filed by the employee shall receive the
2 same priority as if the employee had filed a petition for an
3 expedited hearing by an arbitrator. Neither party shall be
4 entitled to an expedited hearing when the employee has returned
5 to work and the sole issue in dispute amounts to less than 12
6 weeks of unpaid compensation pursuant to paragraph (b) of
7 Section 8 of the Workers' Compensation Act.

8 Expedited hearings shall have priority over all other
9 petitions and shall be heard by the Arbitrator and Commission
10 with all convenient speed. Any party requesting an expedited
11 hearing shall give notice of a request for an expedited hearing
12 under this paragraph. A copy of the Application for Adjustment
13 of Claim shall be attached to the notice. The Commission shall
14 adopt rules and procedures under which the final decision of
15 the Commission under this paragraph is filed not later than 180
16 days from the date that the Petition for Review is filed with
17 the Commission.

18 Where 2 or more insurance carriers, private self-insureds,
19 or a group workers' compensation pool under Article V 3/4 of
20 the Illinois Insurance Code dispute coverage for the same
21 disease, any such insurance carrier, private self-insured, or
22 group workers' compensation pool may request an expedited
23 hearing pursuant to this paragraph to determine the issue of
24 coverage, provided coverage is the only issue in dispute and
25 all other issues are stipulated and agreed to and further
26 provided that all compensation benefits including medical

1 benefits pursuant to Section 8(a) of the Workers' Compensation
2 Act continue to be paid to or on behalf of petitioner. Any
3 insurance carrier, private self-insured, or group workers'
4 compensation pool that is determined to be liable for coverage
5 for the disease in issue shall reimburse any insurance carrier,
6 private self-insured, or group workers' compensation pool that
7 has paid benefits to or on behalf of petitioner for the
8 disease.

9 (b-1) If the employee is not receiving, pursuant to Section
10 7, medical, surgical or hospital services of the type provided
11 for in paragraph (a) of Section 8 of the Workers' Compensation
12 Act or compensation of the type provided for in paragraph (b)
13 of Section 8 of the Workers' Compensation Act, the employee, in
14 accordance with Commission Rules, may file a petition for an
15 emergency hearing by an Arbitrator on the issue of whether or
16 not he is entitled to receive payment of such compensation or
17 services as provided therein. Such petition shall have priority
18 over all other petitions and shall be heard by the Arbitrator
19 and Commission with all convenient speed.

20 Such petition shall contain the following information and
21 shall be served on the employer at least 15 days before it is
22 filed:

- 23 (i) the date and approximate time of the last exposure;
24 (ii) the approximate location of the last exposure;
25 (iii) a description of the last exposure;
26 (iv) the nature of the disability incurred by the

1 employee;

2 (v) the identity of the person, if known, to whom the
3 disability was reported and the date on which it was
4 reported;

5 (vi) the name and title of the person, if known,
6 representing the employer with whom the employee conferred
7 in any effort to obtain pursuant to Section 7 compensation
8 of the type provided for in paragraph (b) of Section 8 of
9 the Workers' Compensation Act or medical, surgical or
10 hospital services of the type provided for in paragraph (a)
11 of Section 8 of the Workers' Compensation Act and the date
12 of such conference;

13 (vii) a statement that the employer has refused to pay
14 compensation pursuant to Section 7 of the type provided for
15 in paragraph (b) of Section 8 of the Workers' Compensation
16 Act or for medical, surgical or hospital services pursuant
17 to Section 7 of the type provided for in paragraph (a) of
18 Section 8 of the Workers' Compensation Act;

19 (viii) the name and address, if known, of each witness
20 to the last exposure and of each other person upon whom the
21 employee will rely to support his allegations;

22 (ix) the dates of treatment related to the disability
23 by medical practitioners, and the names and addresses of
24 such practitioners, including the dates of treatment
25 related to the disability at any hospitals and the names
26 and addresses of such hospitals, and a signed authorization

1 permitting the employer to examine all medical records of
2 all practitioners and hospitals named pursuant to this
3 paragraph;

4 (x) a copy of a signed report by a medical
5 practitioner, relating to the employee's current inability
6 to return to work because of the disability incurred as a
7 result of the exposure or such other documents or
8 affidavits which show that the employee is entitled to
9 receive pursuant to Section 7 compensation of the type
10 provided for in paragraph (b) of Section 8 of the Workers'
11 Compensation Act or medical, surgical or hospital services
12 of the type provided for in paragraph (a) of Section 8 of
13 the Workers' Compensation Act. Such reports, documents or
14 affidavits shall state, if possible, the history of the
15 exposure given by the employee, and describe the disability
16 and medical diagnosis, the medical services for such
17 disability which the employee has received and is
18 receiving, the physical activities which the employee
19 cannot currently perform as a result of such disability,
20 and the prognosis for recovery;

21 (xi) complete copies of any reports, records,
22 documents and affidavits in the possession of the employee
23 on which the employee will rely to support his allegations,
24 provided that the employer shall pay the reasonable cost of
25 reproduction thereof;

26 (xii) a list of any reports, records, documents and

1 affidavits which the employee has demanded by subpoena and
2 on which he intends to rely to support his allegations;

3 (xiii) a certification signed by the employee or his
4 representative that the employer has received the petition
5 with the required information 15 days before filing.

6 Fifteen days after receipt by the employer of the petition
7 with the required information the employee may file said
8 petition and required information and shall serve notice of the
9 filing upon the employer. The employer may file a motion
10 addressed to the sufficiency of the petition. If an objection
11 has been filed to the sufficiency of the petition, the
12 arbitrator shall rule on the objection within 2 working days.
13 If such an objection is filed, the time for filing the final
14 decision of the Commission as provided in this paragraph shall
15 be tolled until the arbitrator has determined that the petition
16 is sufficient.

17 The employer shall, within 15 days after receipt of the
18 notice that such petition is filed, file with the Commission
19 and serve on the employee or his representative a written
20 response to each claim set forth in the petition, including the
21 legal and factual basis for each disputed allegation and the
22 following information: (i) complete copies of any reports,
23 records, documents and affidavits in the possession of the
24 employer on which the employer intends to rely in support of
25 his response, (ii) a list of any reports, records, documents
26 and affidavits which the employer has demanded by subpoena and

1 on which the employer intends to rely in support of his
2 response, (iii) the name and address of each witness on whom
3 the employer will rely to support his response, and (iv) the
4 names and addresses of any medical practitioners selected by
5 the employer pursuant to Section 12 of this Act and the time
6 and place of any examination scheduled to be made pursuant to
7 such Section.

8 Any employer who does not timely file and serve a written
9 response without good cause may not introduce any evidence to
10 dispute any claim of the employee but may cross examine the
11 employee or any witness brought by the employee and otherwise
12 be heard.

13 No document or other evidence not previously identified by
14 either party with the petition or written response, or by any
15 other means before the hearing, may be introduced into evidence
16 without good cause. If, at the hearing, material information is
17 discovered which was not previously disclosed, the Arbitrator
18 may extend the time for closing proof on the motion of a party
19 for a reasonable period of time which may be more than 30 days.
20 No evidence may be introduced pursuant to this paragraph as to
21 permanent disability. No award may be entered for permanent
22 disability pursuant to this paragraph. Either party may
23 introduce into evidence the testimony taken by deposition of
24 any medical practitioner.

25 The Commission shall adopt rules, regulations and
26 procedures whereby the final decision of the Commission is

1 filed not later than 90 days from the date the petition for
2 review is filed but in no event later than 180 days from the
3 date the petition for an emergency hearing is filed with the
4 Illinois Workers' Compensation Commission.

5 All service required pursuant to this paragraph (b-1) must
6 be by personal service or by certified mail and with evidence
7 of receipt. In addition, for the purposes of this paragraph,
8 all service on the employer must be at the premises where the
9 accident occurred if the premises are owned or operated by the
10 employer. Otherwise service must be at the employee's principal
11 place of employment by the employer. If service on the employer
12 is not possible at either of the above, then service shall be
13 at the employer's principal place of business. After initial
14 service in each case, service shall be made on the employer's
15 attorney or designated representative.

16 (c) (1) At a reasonable time in advance of and in
17 connection with the hearing under Section 19(e) or 19(h), the
18 Commission may on its own motion order an impartial physical or
19 mental examination of a petitioner whose mental or physical
20 condition is in issue, when in the Commission's discretion it
21 appears that such an examination will materially aid in the
22 just determination of the case. The examination shall be made
23 by a member or members of a panel of physicians chosen for
24 their special qualifications by the Illinois State Medical
25 Society. The Commission shall establish procedures by which a
26 physician shall be selected from such list.

1 (2) Should the Commission at any time during the hearing
2 find that compelling considerations make it advisable to have
3 an examination and report at that time, the Commission may in
4 its discretion so order.

5 (3) A copy of the report of examination shall be given to
6 the Commission and to the attorneys for the parties.

7 (4) Either party or the Commission may call the examining
8 physician or physicians to testify. Any physician so called
9 shall be subject to cross-examination.

10 (5) The examination shall be made, and the physician or
11 physicians, if called, shall testify, without cost to the
12 parties. The Commission shall determine the compensation and
13 the pay of the physician or physicians. The compensation for
14 this service shall not exceed the usual and customary amount
15 for such service.

16 The fees and payment thereof of all attorneys and
17 physicians for services authorized by the Commission under this
18 Act shall, upon request of either the employer or the employee
19 or the beneficiary affected, be subject to the review and
20 decision of the Commission.

21 (d) If any employee shall persist in insanitary or
22 injurious practices which tend to either imperil or retard his
23 recovery or shall refuse to submit to such medical, surgical,
24 or hospital treatment as is reasonably essential to promote his
25 recovery, the Commission may, in its discretion, reduce or
26 suspend the compensation of any such employee; provided, that

1 when an employer and employee so agree in writing, the
2 foregoing provision shall not be construed to authorize the
3 reduction or suspension of compensation of an employee who is
4 relying in good faith, on treatment by prayer or spiritual
5 means alone, in accordance with the tenets and practice of a
6 recognized church or religious denomination, by a duly
7 accredited practitioner thereof.

8 (e) This paragraph shall apply to all hearings before the
9 Commission. Such hearings may be held in its office or
10 elsewhere as the Commission may deem advisable. The taking of
11 testimony on such hearings may be had before any member of the
12 Commission. If a petition for review and agreed statement of
13 facts or transcript of evidence is filed, as provided herein,
14 the Commission shall promptly review the decision of the
15 Arbitrator and all questions of law or fact which appear from
16 the statement of facts or transcripts of evidence. In all cases
17 in which the hearing before the arbitrator is held after the
18 effective date of this amendatory Act of 1989, no additional
19 evidence shall be introduced by the parties before the
20 Commission on review of the decision of the Arbitrator. The
21 Commission shall file in its office its decision thereon, and
22 shall immediately send to each party or his attorney a copy of
23 such decision and a notification of the time when it was filed.
24 Decisions shall be filed within 60 days after the Statement of
25 Exceptions and Supporting Brief and Response thereto are
26 required to be filed or oral argument whichever is later.

1 In the event either party requests oral argument, such
2 argument shall be had before a panel of 3 members of the
3 Commission (or before all available members pursuant to the
4 determination of 7 members of the Commission that such argument
5 be held before all available members of the Commission)
6 pursuant to the rules and regulations of the Commission. A
7 panel of 3 members, which shall be comprised of not more than
8 one representative citizen of the employing class and not more
9 than one representative citizen of the employee class, shall
10 hear the argument; provided that if all the issues in dispute
11 are solely the nature and extent of the permanent partial
12 disability, if any, a majority of the panel may deny the
13 request for such argument and such argument shall not be held;
14 and provided further that 7 members of the Commission may
15 determine that the argument be held before all available
16 members of the Commission. A decision of the Commission shall
17 be approved by a majority of Commissioners present at such
18 hearing if any; provided, if no such hearing is held, a
19 decision of the Commission shall be approved by a majority of a
20 panel of 3 members of the Commission as described in this
21 Section. The Commission shall give 10 days' notice to the
22 parties or their attorneys of the time and place of such taking
23 of testimony and of such argument.

24 In any case the Commission in its decision may in its
25 discretion find specially upon any question or questions of law
26 or facts which shall be submitted in writing by either party

1 whether ultimate or otherwise; provided that on issues other
2 than nature and extent of the disablement, if any, the
3 Commission in its decision shall find specially upon any
4 question or questions of law or fact, whether ultimate or
5 otherwise, which are submitted in writing by either party;
6 provided further that not more than 5 such questions may be
7 submitted by either party. Any party may, within 20 days after
8 receipt of notice of the Commission's decision, or within such
9 further time, not exceeding 30 days, as the Commission may
10 grant, file with the Commission either an agreed statement of
11 the facts appearing upon the hearing, or, if such party shall
12 so elect, a correct transcript of evidence of the additional
13 proceedings presented before the Commission in which report the
14 party may embody a correct statement of such other proceedings
15 in the case as such party may desire to have reviewed, such
16 statement of facts or transcript of evidence to be
17 authenticated by the signature of the parties or their
18 attorneys, and in the event that they do not agree, then the
19 authentication of such transcript of evidence shall be by the
20 signature of any member of the Commission.

21 If a reporter does not for any reason furnish a transcript
22 of the proceedings before the Arbitrator in any case for use on
23 a hearing for review before the Commission, within the
24 limitations of time as fixed in this Section, the Commission
25 may, in its discretion, order a trial de novo before the
26 Commission in such case upon application of either party. The

1 applications for adjustment of claim and other documents in the
2 nature of pleadings filed by either party, together with the
3 decisions of the Arbitrator and of the Commission and the
4 statement of facts or transcript of evidence hereinbefore
5 provided for in paragraphs (b) and (c) shall be the record of
6 the proceedings of the Commission, and shall be subject to
7 review as hereinafter provided.

8 At the request of either party or on its own motion, the
9 Commission shall set forth in writing the reasons for the
10 decision, including findings of fact and conclusions of law,
11 separately stated. The Commission shall by rule adopt a format
12 for written decisions for the Commission and arbitrators. The
13 written decisions shall be concise and shall succinctly state
14 the facts and reasons for the decision. The Commission may
15 adopt in whole or in part, the decision of the arbitrator as
16 the decision of the Commission. When the Commission does so
17 adopt the decision of the arbitrator, it shall do so by order.
18 Whenever the Commission adopts part of the arbitrator's
19 decision, but not all, it shall include in the order the
20 reasons for not adopting all of the arbitrator's decision. When
21 a majority of a panel, after deliberation, has arrived at its
22 decision, the decision shall be filed as provided in this
23 Section without unnecessary delay, and without regard to the
24 fact that a member of the panel has expressed an intention to
25 dissent. Any member of the panel may file a dissent. Any
26 dissent shall be filed no later than 10 days after the decision

1 of the majority has been filed.

2 Decisions rendered by the Commission after the effective
3 date of this amendatory Act of 1980 and dissents, if any, shall
4 be published together by the Commission. The conclusions of law
5 set out in such decisions shall be regarded as precedents by
6 arbitrators, for the purpose of achieving a more uniform
7 administration of this Act.

8 (f) The decision of the Commission acting within its
9 powers, according to the provisions of paragraph (e) of this
10 Section shall, in the absence of fraud, be conclusive unless
11 reviewed as in this paragraph hereinafter provided. However,
12 the Arbitrator or the Commission may on his or its own motion,
13 or on the motion of either party, correct any clerical error or
14 errors in computation within 15 days after the date of receipt
15 of any award by such Arbitrator or any decision on review of
16 the Commission, and shall have the power to recall the original
17 award on arbitration or decision on review, and issue in lieu
18 thereof such corrected award or decision. Where such correction
19 is made the time for review herein specified shall begin to run
20 from the date of the receipt of the corrected award or
21 decision.

22 (1) Except in cases of claims against the State of
23 Illinois, in which case the decision of the Commission
24 shall not be subject to judicial review, the Circuit Court
25 of the county where any of the parties defendant may be
26 found, or if none of the parties defendant be found in this

1 State then the Circuit Court of the county where any of the
2 exposure occurred, shall by summons to the Commission have
3 power to review all questions of law and fact presented by
4 such record.

5 A proceeding for review shall be commenced within 20
6 days of the receipt of notice of the decision of the
7 Commission. The summons shall be issued by the clerk of
8 such court upon written request returnable on a designated
9 return day, not less than 10 or more than 60 days from the
10 date of issuance thereof, and the written request shall
11 contain the last known address of other parties in interest
12 and their attorneys of record who are to be served by
13 summons. Service upon any member of the Commission or the
14 Secretary or the Assistant Secretary thereof shall be
15 service upon the Commission, and service upon other parties
16 in interest and their attorneys of record shall be by
17 summons, and such service shall be made upon the Commission
18 and other parties in interest by mailing notices of the
19 commencement of the proceedings and the return day of the
20 summons to the office of the Commission and to the last
21 known place of residence of other parties in interest or
22 their attorney or attorneys of record. The clerk of the
23 court issuing the summons shall on the day of issue mail
24 notice of the commencement of the proceedings which shall
25 be done by mailing a copy of the summons to the office of
26 the Commission, and a copy of the summons to the other

1 parties in interest or their attorney or attorneys of
2 record and the clerk of the court shall make certificate
3 that he has so sent such notices in pursuance of this
4 Section, which shall be evidence of service on the
5 Commission and other parties in interest.

6 The Commission shall not be required to certify the
7 record of their proceedings in the Circuit Court unless the
8 party commencing the proceedings for review in the Circuit
9 Court as above provided, shall file with the Commission
10 notice of intent to file for review in Circuit Court. ~~pay~~
11 ~~to the Commission the sum of 80 cents per page of testimony~~
12 ~~taken before the Commission, and 35 cents per page of all~~
13 ~~other matters contained in such record, except as otherwise~~
14 ~~provided by Section 20 of this Act. Payment for photostatic~~
15 ~~copies of exhibit shall be extra.~~ It shall be the duty of
16 the Commission upon such filing of notice of intent to file
17 for review in Circuit Court ~~payment, or failure to pay as~~
18 ~~permitted under Section 20 of this Act,~~ to prepare a true
19 and correct ~~typewritten~~ copy of such testimony and a true
20 and correct copy of all other matters contained in such
21 record and certified to by the Secretary or Assistant
22 Secretary thereof. The changes made to this subdivision
23 (f) (1) by this amendatory Act of the 98th General Assembly
24 apply to any Commission decision entered after the
25 effective date of this amendatory Act of the 98th General
26 Assembly.

1 ~~No~~ ~~In its decision on review the Commission shall~~
2 ~~determine in each particular case the amount of the~~
3 ~~probable cost of the record to be filed as a return to the~~
4 ~~summons in that case and no~~ request for a summons may be
5 filed and no summons shall issue unless the party seeking
6 to review the decision of the Commission shall exhibit to
7 the clerk of the Circuit Court proof of ~~payment by~~ filing
8 with the Commission of the notice of the intent to file for
9 review in the Circuit Court ~~a receipt showing payment~~ or an
10 affidavit of the attorney setting forth that notice of
11 intent to file for review in Circuit Court ~~payment~~ has been
12 given in writing ~~made of the sums so determined~~ to the
13 Secretary or Assistant Secretary of the Commission.

14 (2) No such summons shall issue unless the one against
15 whom the Commission shall have rendered an award for the
16 payment of money shall upon the filing of his written
17 request for such summons file with the clerk of the court a
18 bond conditioned that if he shall not successfully
19 prosecute the review, he will pay the award and the costs
20 of the proceedings in the court. The amount of the bond
21 shall be fixed by any member of the Commission and the
22 surety or sureties of the bond shall be approved by the
23 clerk of the court. The acceptance of the bond by the clerk
24 of the court shall constitute evidence of his approval of
25 the bond.

26 Every county, city, town, township, incorporated

1 village, school district, body politic or municipal
2 corporation having a population of 500,000 or more against
3 whom the Commission shall have rendered an award for the
4 payment of money shall not be required to file a bond to
5 secure the payment of the award and the costs of the
6 proceedings in the court to authorize the court to issue
7 such summons.

8 The court may confirm or set aside the decision of the
9 Commission. If the decision is set aside and the facts
10 found in the proceedings before the Commission are
11 sufficient, the court may enter such decision as is
12 justified by law, or may remand the cause to the Commission
13 for further proceedings and may state the questions
14 requiring further hearing, and give such other
15 instructions as may be proper. Appeals shall be taken to
16 the Appellate Court in accordance with Supreme Court Rules
17 22(g) and 303. Appeals shall be taken from the Appellate
18 Court to the Supreme Court in accordance with Supreme Court
19 Rule 315.

20 It shall be the duty of the clerk of any court
21 rendering a decision affecting or affirming an award of the
22 Commission to promptly furnish the Commission with a copy
23 of such decision, without charge.

24 The decision of a majority of the members of the panel
25 of the Commission, shall be considered the decision of the
26 Commission.

1 (g) Except in the case of a claim against the State of
2 Illinois, either party may present a certified copy of the
3 award of the Arbitrator, or a certified copy of the decision of
4 the Commission when the same has become final, when no
5 proceedings for review are pending, providing for the payment
6 of compensation according to this Act, to the Circuit Court of
7 the county in which such exposure occurred or either of the
8 parties are residents, whereupon the court shall enter a
9 judgment in accordance therewith. In case where the employer
10 refuses to pay compensation according to such final award or
11 such final decision upon which such judgment is entered, the
12 court shall in entering judgment thereon, tax as costs against
13 him the reasonable costs and attorney fees in the arbitration
14 proceedings and in the court entering the judgment for the
15 person in whose favor the judgment is entered, which judgment
16 and costs taxed as herein provided shall, until and unless set
17 aside, have the same effect as though duly entered in an action
18 duly tried and determined by the court, and shall with like
19 effect, be entered and docketed. The Circuit Court shall have
20 power at any time upon application to make any such judgment
21 conform to any modification required by any subsequent decision
22 of the Supreme Court upon appeal, or as the result of any
23 subsequent proceedings for review, as provided in this Act.

24 Judgment shall not be entered until 15 days' notice of the
25 time and place of the application for the entry of judgment
26 shall be served upon the employer by filing such notice with

1 the Commission, which Commission shall, in case it has on file
2 the address of the employer or the name and address of its
3 agent upon whom notices may be served, immediately send a copy
4 of the notice to the employer or such designated agent.

5 (h) An agreement or award under this Act providing for
6 compensation in installments, may at any time within 18 months
7 after such agreement or award be reviewed by the Commission at
8 the request of either the employer or the employee on the
9 ground that the disability of the employee has subsequently
10 recurred, increased, diminished or ended.

11 However, as to disablements occurring subsequently to July
12 1, 1955, which are covered by any agreement or award under this
13 Act providing for compensation in installments made as a result
14 of such disablement, such agreement or award may at any time
15 within 30 months after such agreement or award be reviewed by
16 the Commission at the request of either the employer or the
17 employee on the ground that the disability of the employee has
18 subsequently recurred, increased, diminished or ended.

19 On such review compensation payments may be
20 re-established, increased, diminished or ended. The Commission
21 shall give 15 days' notice to the parties of the hearing for
22 review. Any employee, upon any petition for such review being
23 filed by the employer, shall be entitled to one day's notice
24 for each 100 miles necessary to be traveled by him in attending
25 the hearing of the Commission upon the petition, and 3 days in
26 addition thereto. Such employee shall, at the discretion of the

1 Commission, also be entitled to 5 cents per mile necessarily
2 traveled by him within the State of Illinois in attending such
3 hearing, not to exceed a distance of 300 miles, to be taxed by
4 the Commission as costs and deposited with the petition of the
5 employer.

6 When compensation which is payable in accordance with an
7 award or settlement contract approved by the Commission, is
8 ordered paid in a lump sum by the Commission, no review shall
9 be had as in this paragraph mentioned.

10 (i) Each party, upon taking any proceedings or steps
11 whatsoever before any Arbitrator, Commission or court, shall
12 file with the Commission his address, or the name and address
13 of any agent upon whom all notices to be given to such party
14 shall be served, either personally or by registered mail,
15 addressed to such party or agent at the last address so filed
16 with the Commission. In the event such party has not filed his
17 address, or the name and address of an agent as above provided,
18 service of any notice may be had by filing such notice with the
19 Commission.

20 (j) Whenever in any proceeding testimony has been taken or
21 a final decision has been rendered, and after the taking of
22 such testimony or after such decision has become final, the
23 employee dies, then in any subsequent proceeding brought by the
24 personal representative or beneficiaries of the deceased
25 employee, such testimony in the former proceeding may be
26 introduced with the same force and effect as though the witness

1 having so testified were present in person in such subsequent
2 proceedings and such final decision, if any, shall be taken as
3 final adjudication of any of the issues which are the same in
4 both proceedings.

5 (k) In any case where there has been any unreasonable or
6 vexatious delay of payment or intentional underpayment of
7 compensation, or proceedings have been instituted or carried on
8 by one liable to pay the compensation, which do not present a
9 real controversy, but are merely frivolous or for delay, then
10 the Commission may award compensation additional to that
11 otherwise payable under this Act equal to 50% of the amount
12 payable at the time of such award. Failure to pay compensation
13 in accordance with the provisions of Section 8, paragraph (b)
14 of this Act, shall be considered unreasonable delay.

15 When determining whether this subsection (k) shall apply,
16 the Commission shall consider whether an arbitrator has
17 determined that the claim is not compensable or whether the
18 employer has made payments under Section 8(j) of the Workers'
19 Compensation Act.

20 (k-1) If the employee has made written demand for payment
21 of benefits under Section 8(a) or Section 8(b) of the Workers'
22 Compensation Act, the employer shall have 14 days after receipt
23 of the demand to set forth in writing the reason for the delay.
24 In the case of demand for payment of medical benefits under
25 Section 8(a) of the Workers' Compensation Act, the time for the
26 employer to respond shall not commence until the expiration of

1 the allotted 60 days specified under Section 8.2(d) of the
2 Workers' Compensation Act. In case the employer or his or her
3 insurance carrier shall without good and just cause fail,
4 neglect, refuse, or unreasonably delay the payment of benefits
5 under Section 8(a) or Section 8(b) of the Workers' Compensation
6 Act, the Arbitrator or the Commission shall allow to the
7 employee additional compensation in the sum of \$30 per day for
8 each day that the benefits under Section 8(a) or Section 8(b)
9 of the Workers' Compensation Act have been so withheld or
10 refused, not to exceed \$10,000. A delay in payment of 14 days
11 or more shall create a rebuttable presumption of unreasonable
12 delay.

13 (1) By the 15th day of each month each insurer providing
14 coverage for losses under this Act shall notify each insured
15 employer of any compensable claim incurred during the preceding
16 month and the amounts paid or reserved on the claim including a
17 summary of the claim and a brief statement of the reasons for
18 compensability. A cumulative report of all claims incurred
19 during a calendar year or continued from the previous year
20 shall be furnished to the insured employer by the insurer
21 within 30 days after the end of that calendar year.

22 The insured employer may challenge, in proceeding before
23 the Commission, payments made by the insurer without
24 arbitration and payments made after a case is determined to be
25 noncompensable. If the Commission finds that the case was not
26 compensable, the insurer shall purge its records as to that

1 employer of any loss or expense associated with the claim,
2 reimburse the employer for attorneys fee arising from the
3 challenge and for any payment required of the employer to the
4 Rate Adjustment Fund or the Second Injury Fund, and may not
5 effect the loss or expense for rate making purposes. The
6 employee shall not be required to refund the challenged
7 payment. The decision of the Commission may be reviewed in the
8 same manner as in arbitrated cases. No challenge may be
9 initiated under this paragraph more than 3 years after the
10 payment is made. An employer may waive the right of challenge
11 under this paragraph on a case by case basis.

12 (m) After filing an application for adjustment of claim but
13 prior to the hearing on arbitration the parties may voluntarily
14 agree to submit such application for adjustment of claim for
15 decision by an arbitrator under this subsection (m) where such
16 application for adjustment of claim raises only a dispute over
17 temporary total disability, permanent partial disability or
18 medical expenses. Such agreement shall be in writing in such
19 form as provided by the Commission. Applications for adjustment
20 of claim submitted for decision by an arbitrator under this
21 subsection (m) shall proceed according to rule as established
22 by the Commission. The Commission shall promulgate rules
23 including, but not limited to, rules to ensure that the parties
24 are adequately informed of their rights under this subsection
25 (m) and of the voluntary nature of proceedings under this
26 subsection (m). The findings of fact made by an arbitrator

1 acting within his or her powers under this subsection (m) in
2 the absence of fraud shall be conclusive. However, the
3 arbitrator may on his own motion, or the motion of either
4 party, correct any clerical errors or errors in computation
5 within 15 days after the date of receipt of such award of the
6 arbitrator and shall have the power to recall the original
7 award on arbitration, and issue in lieu thereof such corrected
8 award. The decision of the arbitrator under this subsection (m)
9 shall be considered the decision of the Commission and
10 proceedings for review of questions of law arising from the
11 decision may be commenced by either party pursuant to
12 subsection (f) of Section 19. The Advisory Board established
13 under Section 13.1 of the Workers' Compensation Act shall
14 compile a list of certified Commission arbitrators, each of
15 whom shall be approved by at least 7 members of the Advisory
16 Board. The chairman shall select 5 persons from such list to
17 serve as arbitrators under this subsection (m). By agreement,
18 the parties shall select one arbitrator from among the 5
19 persons selected by the chairman except, that if the parties do
20 not agree on an arbitrator from among the 5 persons, the
21 parties may, by agreement, select an arbitrator of the American
22 Arbitration Association, whose fee shall be paid by the State
23 in accordance with rules promulgated by the Commission.
24 Arbitration under this subsection (m) shall be voluntary.

25 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05.)

1 (820 ILCS 310/19a) (from Ch. 48, par. 172.54b)

2 Sec. 19a. Money received by the Commission pursuant to
3 subsection (f) of Section 19 of this Act shall be paid into a
4 trust fund outside the State Treasury and shall be held in such
5 fund until completion of the record for which the payment was
6 made. The Secretary of the Commission shall be ex-officio
7 custodian of such trust fund which shall be used only for the
8 purpose specified in this section. Upon completion of the
9 record the Secretary shall pay the amount so held to the person
10 entitled thereto for preparation of the record. Within 60 days
11 after the effective date of this amendatory Act of the 98th
12 General Assembly, the Secretary of the Commission shall
13 transfer all remaining funds to the Injured Workers' Benefit
14 Fund for the purpose of paying claims from injured employees
15 who have received a final award for benefits from the
16 Commission against the employer in Fiscal Year 2013.

17 (Source: Laws 1967, p. 325.)

18 (820 ILCS 310/19.5) (from Ch. 48, par. 172.54-1)

19 Sec. 19.5. If the Commission shall, before or after any
20 hearing, proceeding, or review to any court, be satisfied that
21 the employee is a poor person, and unable to pay the costs and
22 expenses provided for by this Act, the Commission shall permit
23 such poor person to have all the rights and remedies provided
24 by this Act, including the issuance and service of subpoenas; a
25 transcript of testimony and the record of proceedings,

1 including photostatic copies of exhibits, at hearings before an
2 Arbitrator or the Commission; ~~the right to have the record of~~
3 ~~proceedings certified to the circuit court;~~ the right to the
4 filing of a written request for summons; and the right to the
5 issuance of summons, without the filing of a bond for costs and
6 without the payment of any of the costs provided for by this
7 Act. If an award is granted to such employee, or settlement is
8 made, the costs and expenses chargeable to the employee as
9 provided for by this Act shall be paid by the employer out of
10 the award herein granted, or settlement, before any of the
11 balance of the award or settlement is paid to the employee.

12 (Source: P.A. 86-998; 87-895.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.